

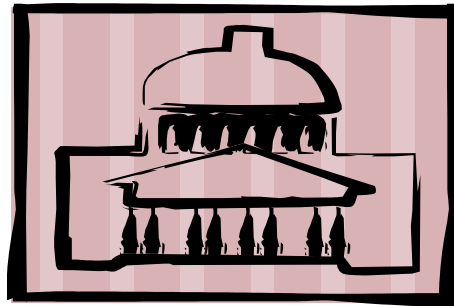
CIVIL RIGHTS



Summer 2016

PURPOSE

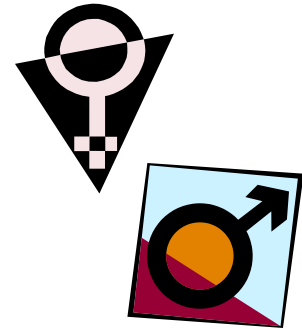
- The purpose of this training is to review regulations and policies to ensure nondiscrimination and equal opportunity in service delivery in accordance with State and Federal laws.
- **All** local agencies must comply with USDA regulations on nondiscrimination and the following requirements:



No person can be denied benefits based on:



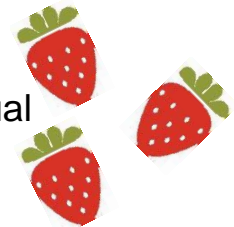
- Race
- Color
- National Origin
- Sex
- Disability
- Age
- Reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.



Additional Montana Protected Classes

- Montana also protects a person from discrimination based on:

- ❖ Age
- ❖ Marital Status
- ❖ Physical or Mental Disability
- ❖ Race/National Origin
- ❖ Color
- ❖ Religion/Creed
- ❖ Sex (including pregnancy, maternity, sexual harassment, sexual orientation)
- ❖ Familial Status (housing only)
- ❖ Political ideas (only for provisions or governmental services or governmental employment)
- ❖ Retaliation (for engaging in a protected activity)



Additional Montana Protected Areas

- The Montana Human Rights Bureau investigates complaints of discrimination filed in the following protected areas:
 - Employment
 - Housing
 - Education
 - Public Accommodations
 - Credit/Finance/Insurance (sex and marital status only)
 - State and local governmental agency (or municipality)

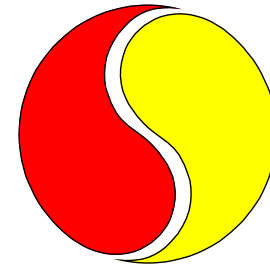


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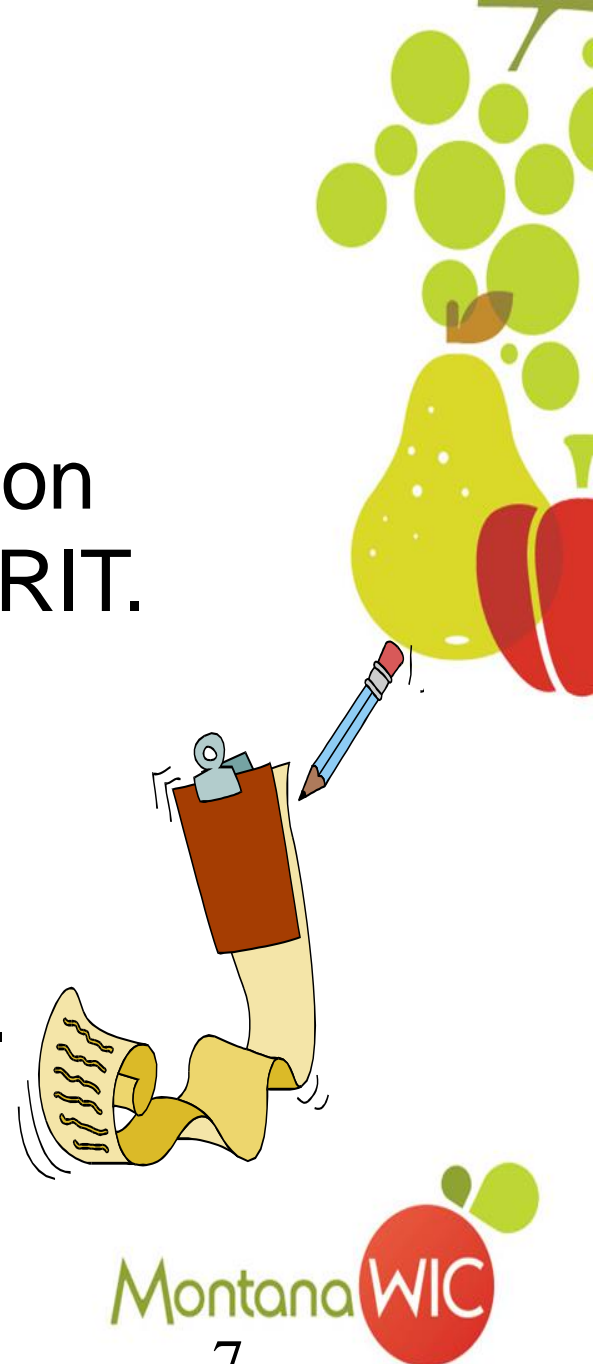
Race/National Origin (Ethnicity):

- Race refers to people of the same ancestry
- National Origin refers to the ethnic background



Racial/Ethnic Data

- Collected by each local agency on the Demographics screen in SPIRIT.
- System Data is used to generate reports required by the Federal and State Governments.

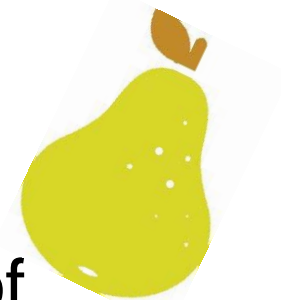


National Origin is reported as...



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Either:



1. Hispanic or Latino—meaning a person of Cuban, Mexican, Puerto Rican, South or Central America, or other Spanish culture or origin regardless of race.

- The term “Spanish origin” may also be used.

2. Non-Hispanic or Non-Latino



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Race/National Origin Identification:

- A drop-down menu is available in M-SPIRIT to select national origin, ethnic background, and race(s).



- Ask the participant their country of birth to identify ethnic background

Race is reported as...



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5 Racial Categories

- **American Indian or American Native** – person who has origins in any of the original peoples of North, Central, or South America and who maintains tribal affiliation or community attachments
- **Asian** – person with origins in any of the original people of the Far East, Southeast Asia, Indian subcontinent, i.e. Cambodia, China, India, Japan, Korea, Pakistan, Philippines, Thailand



5 Racial Categories (cont.)

- **Black** – person with origins in any of the Black racial groups in Africa; Terms such as “Haitian”, “Negro” or “African American” may also be used
- **Native Hawaiian or Pacific Islander** - person with origins in any of the original people of the Hawaii, Guam, Samoa or other Pacific Islands
- **White** – person with origins in any of the original peoples of Europe, the Middle East, or North Africa

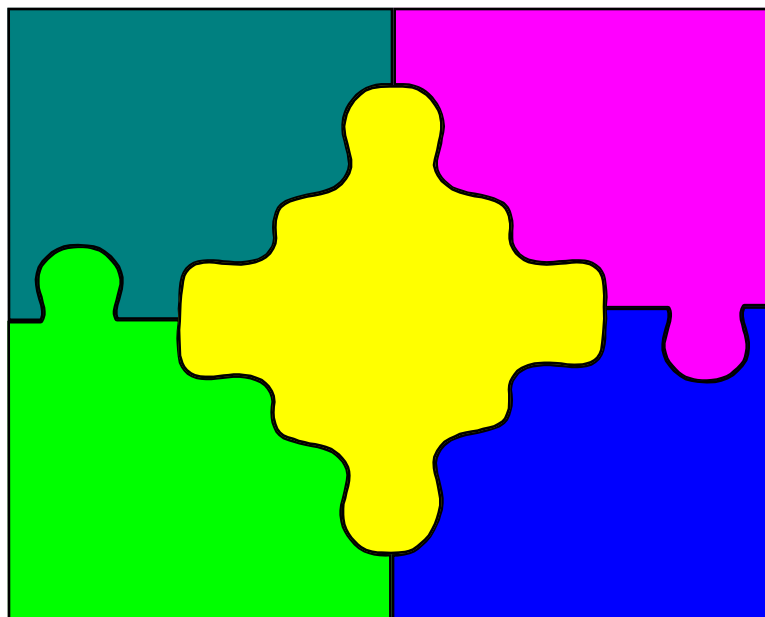


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Choices

WIC and FMNP participants may chose:

- One ethnic background for national origin
- One or multiple races



Individual with Disabilities



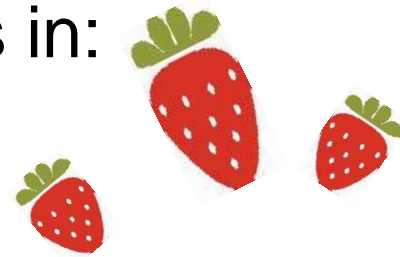
Defined as: A person who has a physical or mental impairment which substantially limits one or more major life activities, has a history or record of such an impairment, or is perceived by others as having such an impairment.

ADA-Americans with Disabilities Act:



Guarantees equal opportunity for individuals with disabilities in:

- employment
- public services
- public transportation
- public accommodation
- telecommunications



ADA-Americans with Disabilities Act:

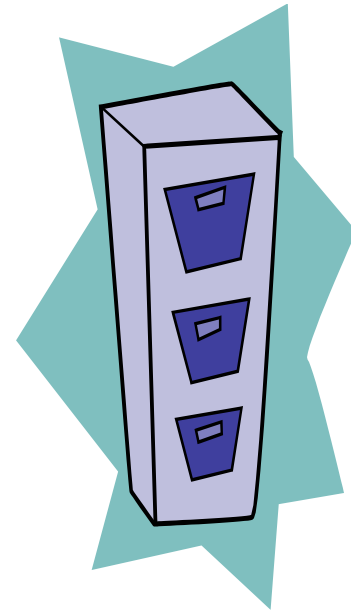
- The intent is for people with disabilities to receive information in the context they prefer.
- For example, the WIC Clinic may reassign classes or services to accessible buildings, provide interpreters for hearing impaired clients, or use Braille or taped material for blind clients.
- The local agency is responsible for providing interpreter services. Check with Qwest for TDD relay services or contact the State Office.

ADA-Americans with Disabilities Act:

1. For example, the WIC Program may redesign equipment, reassign classes or services to accessible buildings, provide interpreters for hearing impaired clients, or Braille or taped material for blind clients. The WIC clinic may alter a facility (provided funds are available) to provide wheelchair access, give service in another location, or provide access in some other way that meets client's needs.
1. The local agency is responsible for providing interpreter services. Check with Qwest for TDD relay services or contact the State Office.

Records

- Records include racial/national origin data, participant eligibility records and forms, participant civil rights complaints, and logs.
 - This includes records of discrimination complaints, and complaint follow-up
- Records must be kept for 8 years after close-out of the federal fiscal year in which the client was terminated (Montana determined time).
 - As long as there are no questionable audit findings or an open ME (Management Evaluation) covering this time period.
- Safeguards must be maintained that prevent the use of this information for discriminatory purposes.



Compliance Monitoring



- Required to assure WIC and WIC FMNP are administered in compliance with civil rights requirements.
- The State reviews the Local Agencies.
- Local programs review subcontractors and WIC FMNP authorized farmers.

Compliance Monitoring

- During the compliance review, records are checked, questions are asked and observations are made to obtain the information to assess civil rights compliance.
- Much of this information can be obtained from well maintained clinic records.



Compliance Monitoring

In addition WIC FMNP looks at:

- Farmer applications for information about accessibility for persons with disabilities.
- Review farmer monitoring reports for accessibility issues.
- Survey responses about perception of treatment at the farmer booth/stand/stall.



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Non-Compliance



- Local agencies are required to respond to the recommendations from the State WIC Office staff in their Corrective Action Plan.
- All findings of noncompliance or probable noncompliance related to Title VI of the Civil Rights Act of 1964 will be forwarded to the Regional Administrator, MPRO.

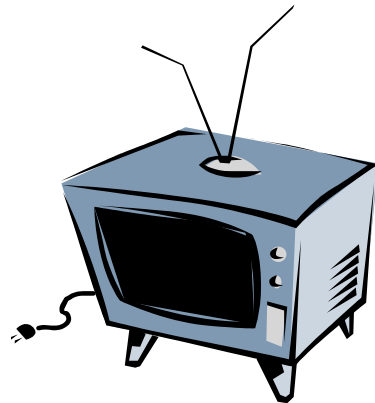
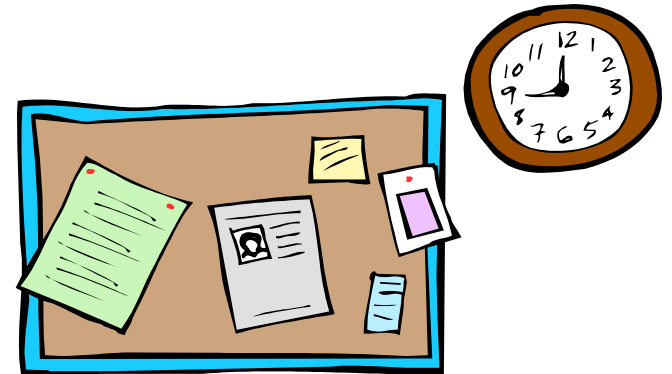
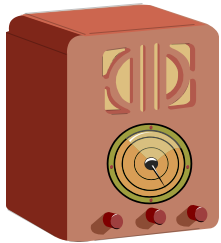
Public Notification:

- At least once a year the State WIC Office and all Local Agencies are required to publicize the availability of benefits and eligibility criteria to the general public with special emphasis on pregnant women, migrants and homeless individuals.

Public Notification:

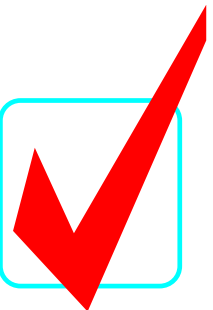


- Newspaper articles
- Radio/Television
- Pamphlets/Fliers
- Grassroots organizations



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Non-Discrimination Statement

- 
- Found on Rights and Responsibilities Form, and in the participant version of the Program Booklet
 - MUST be read to, or by each participant and/or authorized representative at each certification
 - Must be signed and dated by the participant or authorized representative

Non-Discrimination Statement

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by the USDA.

Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotope, American Sign Language, etc.), should contact the Agency (State of local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English. To file a complaint of discrimination, complete the USDA Program Discrimination Complaint Form (AD-3027) found online at: http://www.ascr.usda.gov/complaint_filing_cust.html, and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form.

(continued)

Non-Discrimination Statement (con.)

To request a copy of the complaint form, call (866) 632-9992.

Submit your completed form or letter to USDA by:

(1) Mail: U.S. Department of Agriculture

Office of the Assistant Secretary for Civil Rights

1400 Independence Avenue, SW

Washington, D.C. 20250-9410;

(2) Fax: (202) 690-7442; or

(3) Email: program.intake@usda.gov.

This institution is an equal opportunity provider.

Non-Discrimination Statement

Minimum
Statement

- If the written material or short forms are too small to permit the full statement to be included, the material will at a minimum include, in print size no smaller than the text, the following:
 - “This institution is an equal opportunity provider”



Non-Discrimination

The Non-Discrimination statement must be found on the:

- WIC ID program booklet
- WIC Certification form
- Eligibility statement
- WIC brochures
- Press releases
- Other materials regarding WIC eligibility
- Vendor memorandum of understanding
- Farm direct agreement



Web Address

- For further information, civil rights check out the following web site:

www.ascr.usda.gov

Non-Discrimination Poster

- Non-discrimination (aka “And Justice for All”) poster **MUST** be displayed in a prominent place at all sites (including satellite clinics)
- For example, in the lobby or waiting area



Examples of Discrimination:

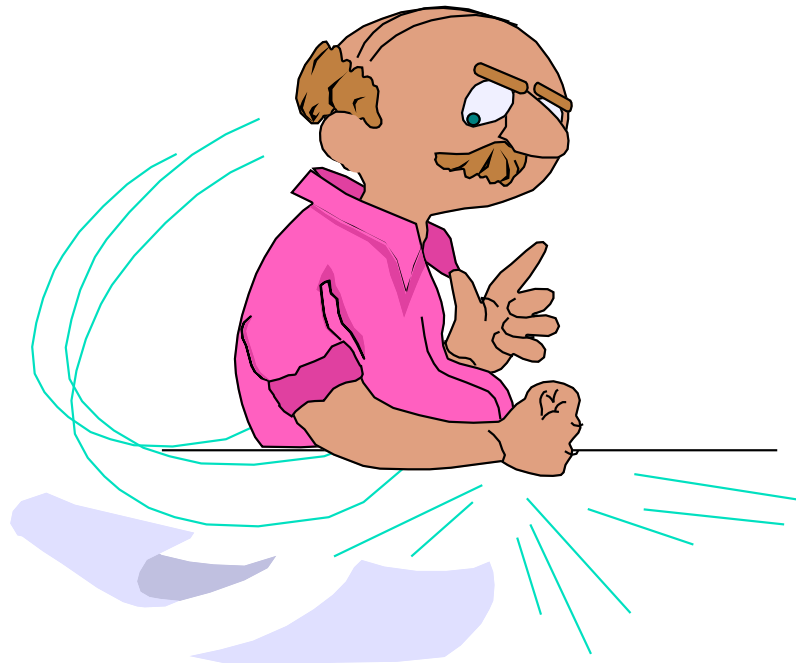


1. Certification of potentially eligible persons based solely on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity
2. Inequitable service or allocation of WIC or WIC FMNP benefits based on the above
3. Issuance of WIC or WIC FMNP benefits in a place, time, or manner that results in denying or limiting benefits to a specific group



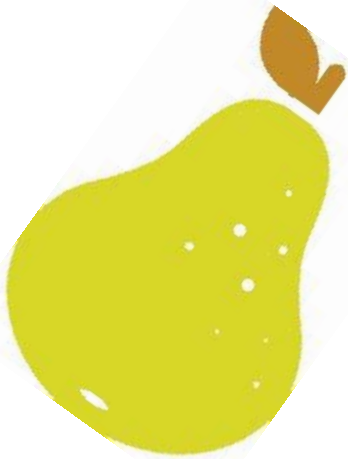
Right to File a Complaint

- Any person or representative alleging discrimination on the basis of the protected classes: race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity, can file a complaint within 180 days of the alleged discriminatory action



Inform the Complainant

- The identity of **every** complainant should be kept confidential except to carry out an investigation, hearing or judicial proceeding. The complainant **must be** informed of their confidentiality.



ALL CIVIL RIGHTS COMPLAINTS WILL BE ACCEPTED:

- Written
- Oral
- Anonymous



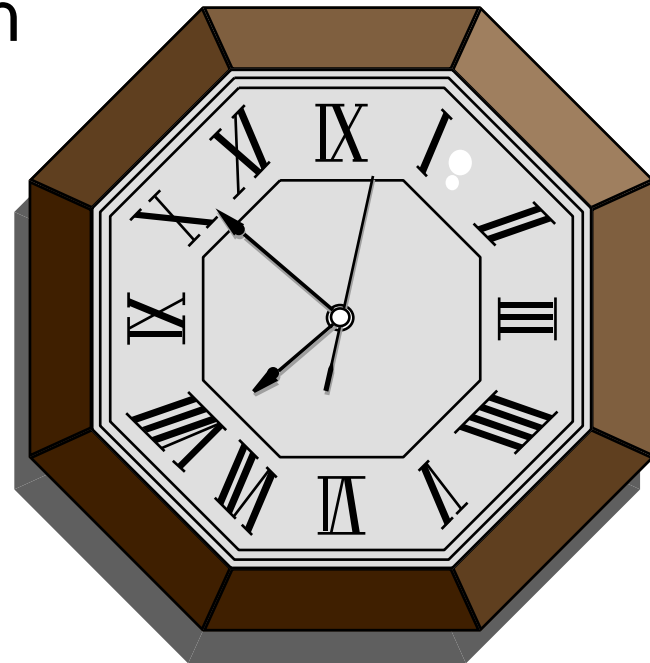
Information needed:

- Complainant's
 - » Name
 - » Address
 - » Telephone number
- Location where discrimination occurred
- Nature of the incident
- Basis for the claim-<eg> race, color, age, disability, national origin, sex or reprisal or retaliation for prior civil rights activity
- Names of witnesses
- Dates when action(s) occurred



What WIC Staff Are To Do

- Notify the WIC Coordinator immediately
- Provide forms for written complaints OR
- Take detailed notes of oral complaints and complete the form
- Complaints must be reported immediately
- Be aware of timeframes



What WIC Staff Are To Do

Verbal/Oral Complaints

- The person to whom the allegations are made will write up the elements of the complaint for a formal complainant.
- Verbal complaints will be accepted and forwarded immediately upon receipt.
- Complaints must be forwarded immediately to the state office. The state will forward to USDA.

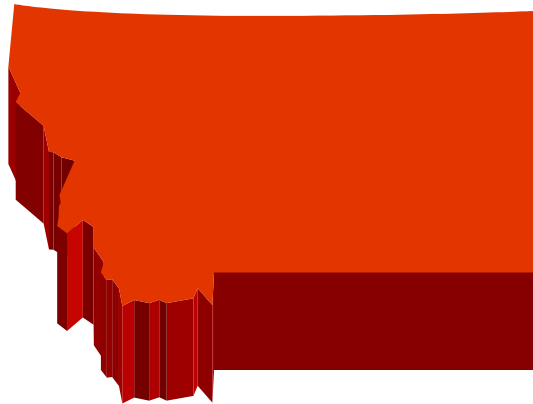
What WIC Staff Are To Do

Written Complaints

- Written complaints will be accepted and forwarded immediately upon receipt.
- All civil rights complaints received by LA staff must be reported to the appropriate state WIC office staff by telephone immediately with written follow-up to the state WIC office within 5 days.
- The state office will follow up with the USDA within 5 days following receipt of the written LA report to ensure receipt of their complaint.

Montana Civil Rights

- Protects from discrimination based on age, religion/creed, color, sex, physical/mental disability, race/national origin, familial status (housing only), political ideas, marital status, retaliation (for engaging in a protected activity)
- Must be reported within 180 days of the alleged discrimination
- Forward to the Montana Human Rights Commission, PO Box 1728, Helena, MT 59624



Complaint Log

- WIC and WIC FMNP have civil rights complaint logs
- Any civil rights complaint should be included in the log for tracking purposes
- Local agencies document all follow-up with the State Agency, complainant or investigator until a resolution has been reached



Program Eligibility Complaint

- Complaints concerning program eligibility are generally issues for fair hearings
 - discuss the matter with individual
 - explain the eligibility criteria

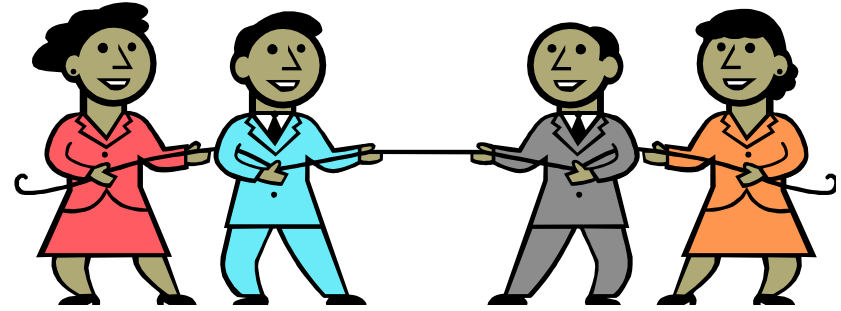


What You Can Do to Prevent Civil Rights Complaints

- Treat all WIC and WIC FMNP participants fairly and in the same manner.
- Reduce barriers to service that limit participation by persons with a disability or language issue.
- Train others on good customer service.



Conflict Resolution



- The first priority:
follow the formal process and requirements.
- The second priority: check if anything could have been done differently.
- Many complaints are because of
 - Ineffective communication
 - Lack of customer service
 - Misunderstanding of requirements

Conflict Resolution (cont.)

Training can provide staff with the skills to resolve conflict.

- VENA Principles for Rapport Building
 - Customer service principles
 - Reflective listening (OARS or 3 Step Counseling)
 - Cultural diversity
- WIC Works Resource
 - Online Modules, Lesson 1



Sign-In

Return [form](#) to state office via email KAughney@mt.gov or fax 444-0239

Montana WIC

Nutrition Program for Women, Infants and Children

WIC – Building Healthy & Strong Families

MONTANA
DPHHS

Montana WIC Program
1400 Broadway, Cogswell Building C305
PO Box 202951
Helena MT 59620-2951
1-800-433-4298



2017 Civil Rights Training

Local Agency: _____

Date: _____

Location	Name

Summer 2016



CIVIL RIGHTS



Summer 2016